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10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 ELECTRONIC FRONTIER FOUNDATION,) Case No. 3:09-CV-05640-SI
16 Plaintiff,)
17 vs.) **JOINT STIPULATION AND**
18 DEPARTMENT OF DEFENSE, ET AL.,) **[PROPOSED] ORDER TO CONTINUE**
19 Defendants.) **DATE OF CASE MANAGEMENT**
20) **CONFERENCE**
21) Date: January 14, 2011
22) Time: 2:30 p.m.
23) Courtroom: 10, 19th Floor
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1 Plaintiff Electronic Frontier Foundation (EFF) and Defendants Department of Defense, et al
2 hereby stipulate to and respectfully request that this Court continue the date of the Case
3 Management Conference (CMC) from January 14, 2011 to January 28, 2011. Plaintiff filed a
4 Motion for Consolidation of Cases on December 22, 2010. (Dkt. No. 30.) That motion is
5 calendared for argument before this Court on January 28, 2011. Because the case management
6 schedule is largely dependent on what is discussed and decided as a result of that motion, the
7 parties believe that it would be most beneficial to discuss case management on the same day as the
8 motion for consolidation.

9 On June 10, 2010, the parties filed a stipulation and proposed order to change time for filing
10 dispositive motions until after the CMC on July 16, 2010. The Court signed the proposed order on
11 July 6, 2010. On July 9, 2010, the parties filed a Joint Case Management Statement and appeared
12 for the CMC on July 16, 2010. At that time, the parties informed the court that they planned to
13 meet and confer by August 31, 2010 to determine the issues remaining in this action and to propose
14 a timeline for the resolution of those issues. The parties met on August 30, 2010 and discussed a
15 tentative motion schedule. On September 3, 2010, the parties filed a stipulation and proposed order
16 to continue the CMC to allow Plaintiff time to review Department of Justice Criminal Division's
17 final release of documents on September 30, 2010. The Court granted the motion on September 8,
18 2010 and continued the CMC to October 26, 2010. On October 19, 2011, the parties filed a
19 stipulation and proposed order to continue the CMC because the parties had submitted a proposed
20 schedule for resolution of the case.

21 The requested time modification should not adversely affect the Court's schedule because
22 the parties have proposed a schedule for resolving the case and are in active discussions about
23 narrowing the issues requiring the Court's attention.

1 DATED: January 7, 2011

2 Respectfully submitted,

3 */s/ Jennifer Lynch*
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14 Attorneys for Plaintiff

15 Attorneys for Defendants

16 **GENERAL ORDER NO. 45(X) CERTIFICATION**

17 I attest that I have obtained Jennifer Lynch's concurrence in the filing of this document.

18 */s/ Kimberly L. Herb*
19 Kimberly L. Herb

20 * * *

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22 Dated: _____


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24 Hon. Susan Ilston
United States District Judge